

CABO VERDE 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Cabo Verde is a parliamentary representative democratic republic largely modeled on the Portuguese system. Constitutional powers are shared between the head of state, President Jose Maria Neves, and the head of government, Prime Minister Ulisses Correia e Silva. The National Elections Commission and international observers declared the 2021 nationwide legislative and presidential elections generally free and fair.

The National Police, under the Ministry of Internal Affairs, is responsible for law enforcement. The Judicial Police, under the Ministry of Justice, is responsible for major investigations. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment, and Other Related Abuses

The constitution and law prohibit such practices, and there were no credible reports during the year that government officials employed them.

From January 1 to August 19, according to data compiled by the National Police on allegations of police abuse, four cases resulted in the suspension of the officer accused, eight cases were dismissed, and three cases were under investigation. The Attorney General's Office reported 110 cases of alleged crimes by law enforcement agents between August 2021 and July.

Prison and Detention Center Conditions

Although the government took steps to improve prison conditions in some areas during the year, they remained deficient due to overcrowding and inadequate health and sanitary conditions.

Abusive Physical Conditions: Four of the five prisons, all operated by the government, had populations that exceeded capacity. Some held pretrial detainees and convicted prisoners together, and at least one held juveniles with adults and women with men due to insufficient space. Women generally had more space per person and better sanitary conditions. Conditions were generally inadequate for inmates with mental disabilities or substance addictions. From 2021 to August, the Ministry of Justice reported six deaths in prisons: three due to suicide and three due to illness.

Administration: Authorities conducted investigations of allegations of mistreatment. The National Commission for Human Rights made regular prison visits and received prisoners' complaints of inadequate provisions for health and hygiene, inadequate food, mistreatment by prison guards, poor security, inadequate access to lawyers, limitations on visits, extensive periods of preventive detention, and substandard prison facilities.

Independent Monitoring: The government permitted formal visits by international human rights monitors to the prisons and individual prisoners. Nongovernmental organizations were permitted to visit prisons to record conditions.

Improvements: The government marked the completion of construction work at a prison on the island of Fogo that increased capacity from 45 to 150 and added a wing for women inmates. Authorities also made improvements to bathroom and shower facilities at some prisons, took steps to improve the quality of prison food, and hired a nutritionist, a psychiatrist, and a full-time doctor.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The National Police may not make arrests without a warrant from the Attorney General's Office unless police apprehend the suspect in the act of committing a crime. Neither the National Police nor Judicial Police have authority to conduct investigations unless mandated by the Attorney General's Office. The law stipulates a suspect must be brought before a judge within 48 hours of arrest. The law provides a detainee the right to prompt judicial determination of the legality of the detention, and authorities respected this right. Attorneys inform detainees of the charges against them. There is a functioning bail system. Authorities allow detainees prompt access to a lawyer of the detainee's choice. If a detainee is unable to afford a lawyer, the Cabo Verdean Bar Association appoints one.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law also provides for a public nonjury trial without undue delay, but cases often continued for years.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights abuses. Courts handle civil matters including lawsuits seeking damages for, or injunctions ordering the cessation of, human rights abuses. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Both administrative and judicial remedies are available, although administrative remedies were rare.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government has ratified but not implemented the 1951 UN Protocol on the Status of Refugees. The country has established neither legislation nor an institutional body for granting asylum or refugee status. Because the Office of the UN High Commissioner for Refugees (UNHCR) does not have an established presence in the country, the International Organization for Migration (IOM) refers asylum seekers who request protection and assistance to the UNHCR regional representation for West Africa in Dakar, Senegal, which conducts refugee status determinations with IOM collaboration.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a formal system for providing protection to refugees. Asylum applications are rare and there were no reports during the year of any applications. The actual number of asylum seekers was unknown since there was no systematic procedure in place to register and process asylum claims. Temporary protection mechanisms and access to basic services are in place for asylum seekers while they await a decision.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free

and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Legislative elections took place in April 2021. Election observers from the Economic Community of West African States (ECOWAS) characterized the legislative elections as free, transparent, and credible while observers from ECOWAS and the African Union assessed the presidential election of October 2021 as transparent, peaceful, and free of significant irregularities.

Participation of Women and Members of Minority Groups: No law limits the participation of women or members of minority groups in the political process, and they did participate. The National Elections Commission did not allow some persons with mental disabilities to vote (see section 6, Persons with Disabilities).

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year, with the Attorney General's Office reporting 21 alleged crimes related to the exercise of public functions between August 2021 and July.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: The National Commission for Human Rights worked on all nine inhabited islands to protect, promote, and reinforce human rights, rights of citizenship, and international humanitarian law and raised

the profile of human rights topics in public media and discussion.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Conviction for rape of women and men is punishable by eight to 16 years' imprisonment, and conviction for domestic violence is punishable by one to five years' imprisonment. Spousal rape is implicitly covered by the law; penalties for conviction range from one to five years' imprisonment. The law calls for increasing protection of victims, raising awareness of gender-based violence, and establishing several care centers with financial and management autonomy, but implementation lagged due to inadequate staffing. The government did not always enforce laws against rape and domestic violence effectively. Gender-based violence and discrimination against women remained significant problems. The Attorney General's Office reported 1,865 cases of gender-based violence between August 2021 and July, an approximately 11 percent decrease from August 2020 to July 2021.

The National Police regularly accompanied survivors of sexual violence and other forms of gender-based violence to the hospital and escorted them to their homes to collect their belongings. Police officers helped survivors go to a safe location. The Cabo Verdean Institute for Gender Equality and Equity ran five shelters on four islands, two on Santiago and one each on Fogo, Sao Vicente, and Boa Vista.

Sexual Harassment: The law criminalizes sexual harassment, although it does not refer to harassment online. Penalties for conviction include up to one year in prison and a substantial monetary fine. Although authorities generally enforced the law, sexual harassment was common.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Health care facilities provided emergency care, including postabortion care. Emergency contraception was available at family planning centers throughout the country. The centers also provided skilled assistance and counseling before and after childbirth, and sexual and reproductive health services, including for survivors of sexual violence.

Emergency contraception was available as part of clinical management of rape. Postnatal services included family planning and free oral and injectable contraceptives. When girls became pregnant while still in school, they generally dropped out of school and did not resume their education, although it was not required that they drop out.

Discrimination: The law, including that related to family, religious, personal status and nationality, labor, property, inheritance, employment, access to credit, and owning or managing business or property, provides for the same legal status and rights for women as for men, and the government enforced the law somewhat effectively.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provides protections against racial discrimination and upholds the rights of immigrants and foreigners. In addition, the law prohibits discrimination in employment and criminalizes activities that incite racial discrimination, hatred, or violence. The government enforced these laws effectively.

Children

Birth Registration: Citizenship is derived from one's parents or grandparents or by birth within the country if the parents have been legal residents for five years. When those conditions are not met, and if the child does not receive citizenship from the country of at least one of its parents, the parents must obtain a lawyer to petition for an exception. Birth registration was not denied or provided on a discriminatory basis.

Education: (See section 6, Women, Reproductive Rights)

Child Abuse: Laws prohibit physical, psychological, and moral violence against children, including sexual violence. Of the 588 sex crimes reported between August 2021 and July, 32 percent involved sexual abuse of children. Government efforts to combat child abuse employed a national network that included the child welfare government body Institute for Children and Adolescents, various police forces, the Attorney General's Office, hospitals, local civil society organizations, and health centers. During the year the government renewed a national action plan

to prevent and combat sexual abuse and violence against children and adolescents for the years 2022 to 2024. The Institute for Children and Adolescents maintained a presence on all inhabited islands.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18.

Sexual Exploitation of Children: The law punishes those who foment, promote, or facilitate commercial sexual exploitation or sexual exploitation of children younger than age 17. The law punishes those who induce, transport, or provide housing or create the conditions for sexual exploitation and commercial sexual exploitation of children younger than age 17 in a foreign country. The law prohibits the exploitation of children younger than age 18 in pornography, and authorities generally enforced the law. The minimum legal age for consensual sex is 16. Sexual relations with a child younger than age 14 are considered a public crime and invoke mandatory reporting from anyone who becomes aware of the crime. By law at ages 14 and 15, sexual relations are a crime and may be reported by any involved party (the child or the child's parents or guardians).

Authorities generally enforced laws against sexual exploitation of children. The government continued efforts to prevent the sexual exploitation of children through a national coordinating committee. The government also continued to enforce the Ethics Code of Conduct for Tourism, which includes provisions countering child sex tourism. The Observatory for Monitoring and Rapid Identification of Trafficking in Persons, which assembles numerous government agencies and partners, continued to hold meetings to advance priorities related to human trafficking and child sexual exploitation.

Antisemitism

The Jewish community was very small, and there were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: There were no laws criminalizing consensual same-sex conduct between adults or so-called cross-dressing or debauchery. There were no reports of laws related to immorality or loitering being disproportionately applied to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons.

Violence against LGBTQI+ Persons: There were no reports of police or other government agents inciting, perpetrating, condoning, or tolerating violence against LGBTQI+ individuals or those reporting such violence. There were no reported instances of state or nonstate actor violence targeting LGBTQI+ persons.

Discrimination: Antidiscrimination laws exist, and state and nonstate employers may not discriminate based on sexual orientation, family situation, habits and dress, health status, or membership or nonmembership in any organization. Laws prohibit discrimination in the provision of a good or service, engaging in normal economic activities, and employment. The government generally enforced these laws.

Availability of Legal Gender Recognition: Legal gender recognition was not available.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of such practices or of efforts to condemn them.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of restrictions on those speaking out on LGBTQI+ issues.

Persons with Disabilities

Persons with disabilities could access education and health care on an equal basis with others, although some problems remained for equal access to public buildings, communications, and transportation. The government generally enforced such access effectively and made information available in accessible formats.

The law prohibits discrimination against persons with disabilities and provides for access to services in the areas of employment, training, health, housing, transportation, mobility, culture, sports, and leisure. Persons with intellectual or mental disabilities, as determined by the Ministry of Health, are not allowed to vote, according to the National Elections Commission, if they are deemed not to have the mental capacity to exercise that right.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form or join unions of their choice, to engage in collective bargaining, and to conduct legal strikes. The labor code provides for protection against antiunion discrimination and for the reinstatement of workers.

The code designates certain jobs essential and limits workers' ability to strike in associated industries. Services provided by telecommunications, justice, meteorology entities, health, firefighting, postal service, funeral services, water and sanitation services, transportation, ports and airports, private security, and the banking and credit sectors are considered indispensable. The law states the government may force the end of a strike when there is an emergency or "to ensure the smooth operation of businesses or essential services of public interest." The law and custom allow unions to carry out their activities without interference.

The government respected workers' right of freedom of association and the right to collective bargaining and effectively enforced applicable laws in the formal sector outside of the essential jobs list. Penalties for violations were commensurate with those for other laws involving denials of civil rights and were regularly applied against violators.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children. The government effectively enforced applicable laws in the formal sector. The labor code prohibits forced labor. The penal code outlaws slavery. The government continued efforts to reduce vulnerability to exploitation of migrants

from West Africa employed in the construction and hospitality sectors and increase their integration into society. During the year, the government launched a special visa process for foreign citizens from the Community of Portuguese Language Countries and ECOWAS, among others, to strengthen social inclusion of immigrants. Nonetheless, migrant workers may receive wages below minimum wage and work without contracts, creating vulnerabilities to forced labor, including in the construction sector.

In May, a panel of three judges acquitted two Chinese nationals and one citizen of 2019 charges of trafficking four Chinese laborers, all of whom have since returned to the People's Republic of China.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The labor law prohibits discrimination in employment and occupation based on race, religion, color, sex, disability, language, sexual orientation, gender identity, political opinion, ethnic origin, age, HIV-positive status or having other communicable diseases, or social status. The law does not, however, explicitly prohibit discrimination based on national origin. The government somewhat effectively enforced the law, and penalties for violation were commensurate to those related to civil rights. Penalties were rarely applied against violators.

Gender-based discrimination in employment occurred (see section 6). According to the National Institute of Statistics, men received on average 15 percent more in wages than women. In some sectors of the formal economy, women received lower salaries than men for equal work. Women were also more likely than men to work in the informal economy, where remuneration was generally lower and labor protections not enforced.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law stipulates a monthly minimum wage greater than the official estimate of the poverty income level. The law stipulates a maximum of eight hours of work per day and 44 hours per week, including mandatory rest periods, the length of which depends on the work sector. Although companies tended to respect laws on working hours, many employees, such as domestic workers, health-care professionals, farmers, fishers, and commercial workers, commonly worked for longer periods of time than the law allows.

Occupational Safety and Health: The law sets minimum occupational safety and health (OSH) standards and gives workers the right to decline work if conditions pose serious risks to health or physical integrity. In specific high-risk sectors, such as fishing and construction, the government may and often does provide, in consultation with unions and employers, occupational safety and health rules. The Inspectorate General for Labor inspections promoted worker protection against COVID-19 and detected irregularities in compliance with health and safety standards, including violations concerning the right to vacation time and the right to rest between work periods.

Many work-related accidents reported during the year occurred in the construction sector. In 2021, the most recent year for which data were available, the Inspectorate General for Labor registered 1,112 work-related accidents and three deaths.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, overtime, and OSH laws. The penalties for violations were commensurate with those for similar crimes, such as fraud or negligence, and penalties were regularly applied against violators. The Inspectorate General for Labor and the Directorate General for Labor were the main agencies responsible for enforcing wage, hour, and OSH laws. The number of labor inspectors was sufficient to enforce compliance. Labor inspectors had the authority to make unannounced inspections and initiate sanctions. They carried out inspections of workplaces throughout the country to check for and deter violations.

Informal Sector: According to the National Institute of Statistics, approximately

52 percent of jobs were in the informal economy, including domestic work and self-employment in tourism, trade, agriculture, livestock-raising, and fishing. Informal sector workers were not covered by wage, hour, OSH, or other labor laws and inspections.